

FILED
JUN 11 2009
PATRICK E. DUFFY, CLERK
By DEPUTY CLERK, MISSOULA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

MISSOULA DIVISION

UNITED STATES OF AMERICA,) CR 09-07-M-DWM
)
 Plaintiff,)
)
 vs.) ORDER
)
 ROBERT MICHAEL BONNER,)
)
 Defendant.)
)

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on May 26, 2009. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313

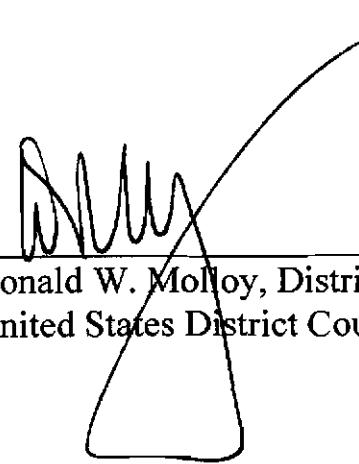
(9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Robert Michael Bonner’s guilty plea after Bonner appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to the charge of one count of making a false statement to a financial institution in violation of 18 U.S.C. § 1014, as set forth in the indictment.

I find no clear error in Judge Lynch’s Findings and Recommendation (dkt # 21) and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS HEREBY ORDERED that Robert Michael Bonner’s Motion to Change Plea (dkt # 13) is GRANTED.

DATED this 11 day of June, 2009.



Donald W. Molloy, District Judge
United States District Court